Family Courts in States

4169. SHRI V. NARAYANASAMY: Will the PRIME MINISTER be pleased to state:

(a) the names of states where Family Courts have not yet been set up;

(b) the reasons for the same; and

(c) the action taken by Government to abvise those states to set up such Courts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): (a) to (c) The state of Arunachal Pradesh, Goa, Himachal Pradesh, Jammu and Kashmir, Meghalaya, Mizoram and Nagaland are not in favour of setting up of Family Courts for various reasons including adequacy of customary laws/institutions opearting in their areas and also because the number of cases arising out of matrimonial disputes are small and are being expeditiously disposed of, while the States of Haryana, Sikkim, West Bengal, Madhya Pradesh and Gujarat have decided to set up such courts. The Government of Tripura has informed that it agrees with the views of the Central Government regarding the setting up of Family Courts. However, due to financial constraint, it is not in a position to set up Family Courts at present. The matter is receiving attention in the State of Andhra Pradesh and Punjab.

उच्च न्यायालयों में हिन्दी का प्रयोग

4170. **श्री अजीत जोगी:**
श्रीमती वीणा वर्मा:

क्या **प्रधान मंत्री** यह बताने के कृपा करेंगे कि:

(क) दिल्ली उच्च न्यायालय और उत्तर भारत के अन्य उच्च न्यायालयों में हिन्दी को उचित स्थान दिलाने के लिए क्या कदम उठाए गए है और इस संबंध में अब तक सरकार की क्या उपलब्धि रही है; और

(ख) सरकार न्यायालयों में हिन्दी का वैकल्पिक राजभाषा के रूप में प्रयोग करने के लिए कब तक कार्यवाही करने का विचार रखती है?

विधि, न्याय और कंपनी कार्य मंत्रालय में राज्य मंत्री (श्री हंसराज भारद्वाज): (क) और (ख) संविधान का अनुच्छेद 348 यह उपबंध करता है कि जब तक संसद विधि द्वारा अन्यथा उपबंध न करे तब तक उच्चतम न्यायालय और प्रत्येक उच्च न्यायालय में सभी कार्यवाहियां अंग्रेजी भाषा में होंगी। अनुच्छेद 348(2) के अधीन किसी राज्य का राज्यपाल, राष्ट्रपति की पूर्व सहमति से उस उच्च न्यायालय की कार्यवाहियों में, जिसका मुख्य स्थान उस राज्य में है, हिंदी भाषा का या उस राज्य के शासकीय प्रयोजनों के लिए प्रयोग होने वाली किसी अन्य भाषा का प्रयोग प्राधिकृत कर सकेगा, परन्तु उच्च न्यायालय द्वारा पारित डिग्री, निर्णय या आदेश अंग्रेजी में होंगे। राजभाषा अधिनियम, 1963 की धारा 7 के अधीन किसी राज्य का राज्यपाल राष्ट्रपति की पूर्व सम्मति से अंग्रेजी भाषा के अतिरिक्त हिंदी या उस राज्य की राजभाषा का प्रयोग उस राज्य के उच्च न्यायालय द्वारा दिए गए निर्णय आदि के प्रयोजनों के लिए प्राधिकृत कर सकेगा।

अभी तक चार उत्तरी राज्यों अर्थात् बिहार, मध्य प्रदेश, राजस्थान और उत्तर प्रदेश के राज्यपालों ने अपने राज्यों के उच्च न्यायालयों की कार्यवाहियों और निर्णय डिग्री आदि के लिए अंग्रेजी भाषा के अतिरिक्त हिन्दी के प्रयोग को प्राधिकृत किया है।

दिल्ली उच्च न्यायालय के मामले में संसद् द्वारा कोई विधि अधिनियमित नहीं की गई है और ऐसी विधि के अभाव में दिल्ली उच्च न्यायालय का कार्य अंग्रेजी में किए जाने के लिए प्राधिकृत है और किया जाता है।

Less Expensive Judicial Procedure

4171. SHRI AJIT P.K. JOGI:
SHRIMATI VEENA VERMA:

Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware that judicial procedure in the country is very expensive and complex and it is very difficult for the poor persons to get justice;

(b) if so, whether Government propose to make the judicial procedure less expensive and simple for bringing justice within the reach of the poor; and

(c) if so, what are details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): (a) to (c) The

Government is aware of the problems being faced by the litigants. In order to consider the problem of arrears of cases in courts and to find out ways and means to deal with it as expeditiously as possible, a meeting of the Chief Ministers and Chief Justices of High Courts was held on 45th December, 1993 under the Chairmanship of the Prime Minister. The Chief Ministers and Chief Justices among other things, were also of the opinion that courts were not in a position to bear the entire burden of justice system and that a number of disputes lent themselves to resolution by alternative modes such as arbitration, mediation and negotiation. They emphasised the desirability of disputants taking advantage of alternative dispute resolution which provided procedural flexibility, saved valuable time and money and avoided the stress of a conventional trial. The Resolutions adopted in the conference have been commended to all the State Governments/UT Administration and High Courts for necessary follow up action.

Moreover, the Administration of Justice has been made a plan item with a view to remove infrastructural bottlenecks coming in the way of expeditious disposal of cases.

Request to amend People's Representation Act

4172. SHRI SURESH PACHOURI: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that a regional conference organised by non-Governmental organisations was held in Trivandrum in the month of August, 1994;

(b) whether there was a demand in this conference to amend the people's Representation Act so as to give proportional representation to women; and

(c) if so, the details of the proposals recommended and the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ) (a) to (c) As per a newspaper report, a Conference on 'Women in decision making' was organised by a New Delhi based Centre called the Centre for Social Research recently at Thiruvananthapuram, wherein it was decided, amongst others, to work towards launching of a political party of women and wresting 50 per cent reservation for women in appointments, admissions and elections in the country. The Government has, however, not received any proposal or recommendation from the Centre for making any amendments to Representation of the people Act.

Strength and Vacancies of various High Courts

4173. SHRI SARADA MOHANTY: Will the PRIME MINISTER be pleased to state:

(a) the strength and vacancies of judges in various High Courts;

(b) whether it is a fact that there is a large number of vacancies of the post of judges in different State High Courts;

(c) if so, the position as on 30th June, 1994; and

(d) the details of steps taken to fill up these vacancies?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (c) The requisite information is given in the enclosed statement (*See* below).

(d) The process of consultation among the concerned Constitutional authorities for filling up the existing vacancies is on. It is, however, not possible to indicate when these vacancies would be filled up.